

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

United States of America)	
)	Case No. 3:14-CR-429-TLW
v.)	
)	Response to Government Motion
James R. Metts,)	
)	
Defendant.)	
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John Tate, Esq. retained undersigned counsel to represent him in connection with the Government's investigation in the above-referenced matter. After being retained, undersigned counsel contacted Assistant United States Attorney Jay N. Richardson to discuss the scope of the investigation and the attorney-client privilege issues present in the case. Thereafter, the Government obtained a written waiver of attorney-client privilege from the subsequent office holder (i.e., the current Lexington County Sheriff, A. Lewis McCarty). Counsel also consulted with the Defendant's attorneys and was advised that the Defendant would not waive any attorney-client privilege.

Undersigned counsel has accepted service of trial subpoenas for both the original January 20, 2015, and January 12, 2015, trial dates. However, the Defendant asserts that Mr. Tate's testimony is protected by the attorney-client privilege, while the subsequent office holder is attempting to waive the same. Mr. Tate is hesitant to make a determination as to the effectiveness of Sheriff McCarty's waiver without guidance of this Court. Accordingly, Mr. Tate respectfully requests that this Court issue a ruling of law as to the scope and extent of the attorney-client privilege and the validity of any waiver.

In the event the Court makes a determination that no privilege existed, or that the privilege was waived, Mr. Tate will readily appear at the designated time pursuant to the subpoena.

Respectfully submitted,

s/ Jason P. Peavy
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